

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

ALFRED G. LAGES

a/k/a Allen Lages

DEBORAH S. MAZZIE-LAGES

a/k/a Deborah M. Lages

a/k/a Deborah S. Mazzie

Debtors,

HELENE MASSOF

Movant

V.

ALFRED G. LAGES

a/k/a Allen Lages

DEBORAH S. MAZZIE-LAGES

a/k/a Deborah M. Lages

a/k/a Deborah S. Mazzie

Respondents

Bankruptcy No. 05-39122 BM
Chapter 7
Document No.

Hearing Date:
Hearing Time:
Objection Date:

COMPLAINT OBJECTING TO DISCHARGEABILITY OF CERTAIN DEBTS

By: s/ Robert E. Durrant
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Dated: March 7, 2006

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AND NOW, comes Movant Helene Massof, by and through her attorneys, Campbell, Durrant & Beatty, P.C., and files the within Complaint Objecting to Dischargeability of Certain Debts, averring as follows.

1. Movant, Helene Massof is an individual who has her principal place of business at 1720 Washington Road in Pittsburgh, PA 15241, and works as a realtor for RE/MAX CSI Realtors.

2. Debtors Alfred G. Lages and his wife Deborah S. Mazzie-Lages (“Debtors” or “Lages”) are individuals and residents of the County of Washington and the Commonwealth of Pennsylvania, living at 128 Hardwood Drive, Venetia, PA 15367.

3. On or about October 15, 2005, Lages filed for Chapter 7 Bankruptcy in this Court.

4. On or about March 3, 2003, Massof initiated a civil action against the Lages for breach of contract and fraud. Massof v. Lages, No. 2003-1159 (Washington County, Pa.) A copy of the Second Amended Complaint in that action is attached hereto as Exhibit “A.”

5. In January 2004, Lages’ attorney in the Washington County civil action filed a Petition to Withdraw as counsel because Lages failed to pay certain legal expenses and to cooperate in resolving the outstanding issues.

6. Since January 2004, the Lages have refused to respond to any Court Orders or correspondence from opposing counsel. Specifically, they have refused to file the necessary Pretrial Statement even after being ordered to do so by the Court (this Order preceded the filing of bankruptcy).

7. As a result of the Lages’ blatant disregard for Court Orders, and the legal system in general, the Washington County civil action has been obstructed from moving forward to resolution (i.e. trial). Twenty-two months later, October 2005, the Lages filed for bankruptcy leaving the Washington County action unresolved.

8. According to the Bankruptcy Code § 523, a debt can be declared not dischargeable if it was obtained by “false pretenses, a false representation, or actual fraud... .” 11 U.S.C. § 523(a)(2)(A). In an effort to avoid the payment of a real estate commission earned by Massof, the Lages used a written statement they knew was materially false, because they

caused such a statement to be prepared, with intent to deceive Creditor Massof (2d Am. Compl. ¶¶ 29 – 63). 11 U.S.C. § 523(a)(2)(B).

9. As such, Lages' debt to Massof, as fully described in Massof v. Lages, No. 2003-1159 (Washington County Court of Common Pleas, Pennsylvania), is not dischargeable. 11 U.S.C. § 523(a)(2).

10. Massof v. Lages, No. 2003-1159, is ready for trial (pleadings are closed – discovery is completed). Discovery evidence, admissible at trial, demonstrates that Plaintiff Massof's fraud and conspiracy accusations against the Lages are far from frivolous. The case against them, and in particular the fraud and conspiracy counts, will not be dismissed per a dispositive motion.

WHEREFORE, Massof respectfully requests that Lages' debt as described in the Second Amended Complaint at No. 2003-1159 (Washington County, Pennsylvania) be declared not dischargeable and, furthermore, that this Honorable Court order that the stay be lifted on the Washington County civil action (No. 2003-1159) so it may proceed to a swift and equitable conclusion.

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CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2006, I electronically filed the foregoing Complaint Objecting to Dischargeability of Certain Debts with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following and that a copy has also been sent via regular U.S. Mail to:

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